



UNITED STATES DEPARTMENT OF COMMERCE
Patent and Trademark Office

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Washington, D.C. 20231

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.
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09/529,193 07/25/00 BERGE

B BERGE-1

EXAMINER

MMC2/0924

ARTHUR L PLEVY
BUCHANAN INGERSOLL
650 COLLEGE ROAD EAST
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PRINCETON NJ 08540

SPECTOR, D

ART UNIT

PAPER NUMBER

2873

DATE MAILED:

09/24/01

Please find below and/or attached an Office communication concerning this application or proceeding.

Commissioner of Patents and Trademarks

Notice of Allowability

Application No.

09/529,193

Examiner

David N. Spector

Applicant(s)

BERGE ET AL.

Art Unit

2873

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to FAOM.
2. ☒ The allowed claim(s) is/are 1-10.
3. ☒ The drawings filed on 25 July 2000 are accepted by the Examiner.
4. ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 - a) ☒ All b) ☐ Some* c) ☐ None of the:
 1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☒ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).
 - * Certified copies not received: _____.
5. ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
 - (a) ☐ The translation of the foreign language provisional application has been received.
6. ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application. **THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.**

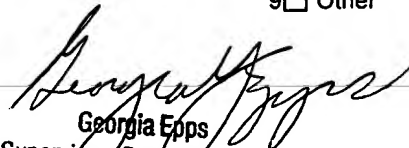
7. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
8. ☐ CORRECTED DRAWINGS must be submitted.
 - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
 - 1) ☐ hereto or 2) ☐ to Paper No. _____.
 - (b) ☐ including changes required by the proposed drawing correction filed _____, which has been approved by the Examiner.
 - (c) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No. _____.

Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the top margin (not the back) of each sheet. The drawings should be filed as a separate paper with a transmittal letter addressed to the Official Draftsperson.

9. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

- | | |
|--|---|
| 1 <input type="checkbox"/> Notice of References Cited (PTO-892) | 2 <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3 <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 4 <input type="checkbox"/> Interview Summary (PTO-413), Paper No. _____ |
| 5 <input checked="" type="checkbox"/> Information Disclosure Statements (PTO-1449), Paper No. <u>1</u> | 6 <input checked="" type="checkbox"/> Examiner's Amendment/Comment |
| 7 <input type="checkbox"/> Examiner's Comment Regarding Requirement for Deposit of Biological Material | 8 <input checked="" type="checkbox"/> Examiner's Statement of Reasons for Allowance |
| | 9 <input type="checkbox"/> Other |


Georgia Epps
Supervisory Patent Examiner

Technology Center 2800
Notice of Allowability

EXAMINER'S AMENDMENT

1. An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it **MUST** be submitted no later than the payment of the issue fee.

2. The application has been amended to add/include appropriate section headings to the specification, following currently suggested guidelines for the preferred layout and content of patent applications filed under 35 U.S.C. 111(a). See also 37 CFR 1.77 and MPEP § 608.01(a).

IN THE SPECIFICATION

PLEASE NOTE : each new heading is to be inserted into the specification on a line of its own. Further additional blank lines are also to added to the specification, one above, and one below, the newly-added headings.

(A1) insert the heading **--TITLE OF THE INVENTION--** to the top of the first page of the specification (Page 1, above Line 1) just above the current title (i.e. "VARIABLE FOCUS LENS").

(A2) insert the heading **--BACKGROUND OF THE INVENTION--** to the first page of the specification (Page 1, above Line 1), just below the current title (i.e. "VARIABLE FOCUS LENS").

(A3) insert the heading **--(1) Field of the Invention--** to the first page of the specification (Page 1, above Line 1), just below the newly-added section heading (A2) above.

(A4) insert the heading **--(2) Description of Related Art--** to the first page of the specification (Page 1, between Lines 3 and 4).

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(A5) insert the heading **--BRIEF SUMMARY OF THE INVENTION--** to the second page of the specification (Page 2, between Lines 4 and 5).

(A6) insert the heading **--BRIEF DESCRIPTION OF THE SEVERAL VIEWS OF THE DRAWINGS--** to the fourth page of the specification (Page 4, between Lines 8 and 9).

(A7) insert the heading **--DETAILED DESCRIPTION OF THE INVENTION--** to the fourth page of the specification (Page 4, between Lines 25 and 26).

(A8) delete the current heading (i.e. "Abstract") from the top of the page comprising applicant's abstract it with the following new heading **--ABSTRACT OF THE DISCLOSURE--**.

REASONS FOR ALLOWANCE

3. Claims 1-10 are allowed. The examiner's statement of reasons for allowance follows. The instant application is directed to electrically-controllable continuously variable focal length lenses based upon a novel exploitation of well-known electro-wetting technology/phenomenology. Applicant's (sole) independent claim 1 reads on a variable focal length lens of this type. This novel lens comprises an enclosure filled with a first liquid, and a droplet of a second liquid situated in a specific region of one surface of the enclosure. The wall of the enclosure is made from an insulating material, one of the liquids is conducting, and the other liquid is insulating. These two liquids are immiscible and have different refractive indices, but they both have the same density. The second liquid droplet may occupy different positions in the chamber; the variation being controlled by application of an electric field between the conducting liquid and an electrode arranged on the second face of the wall. A centering system ensures the centering of the droplet, thus ensuring the correct shape of the droplet when the voltage is applied. The prior art taken either singly or in combination fails to anticipate or fairly suggest the particular limitations (underlined above) of applicant's independent claims, in such a manner that a rejection under 35 U.S.C. 102 or 103 would be proper. The claimed invention is therefore considered to be in condition for allowance as being novel and nonobvious over prior art.

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4. Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance." Any inquiry concerning this communication should be directed to examiner David N. Spector whose telephone number is (703) 305-1521. The examiner can normally be reached at this number Monday through Friday between 6:00 AM and 2:30 PM. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Georgia Y. Epps, can be reached on (703) 308-4883. The fax number for the organization where this application is assigned is (703) 308-7722.

September 19, 2001



David N. Spector
ASSISTANT EXAMINER



Georgia Epps
Supervisory Patent Examiner
Technology Center 2800



UNITED STATES DEPARTMENT OF COMMERCE
Patent and Trademark Office

NOTICE OF ALLOWANCE AND ISSUE FEE DUE

MMC2/0924

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APPLICATION NO.	FILING DATE	TOTAL CLAIMS	EXAMINER AND GROUP ART UNIT	DATE MAILED
09/529,193	07/25/00	010	SPECTOR, D	2873 09/24/01
First Named Applicant	BERGE, 35 USC 154(b) term ext. = 0 Days.			

TITLE OF INVENTION LENS WITH VARIABLE FOCUS

ATTY'S DOCKET NO.	CLASS-SUBCLASS	BATCH NO.	APPLN. TYPE	SMALL ENTITY	FEE DUE	DATE DUE
3	BERGE-1	359-666.000	M34	UTILITY	NO \$1240.00	12/24/01

THE APPLICATION IDENTIFIED ABOVE HAS BEEN EXAMINED AND IS ALLOWED FOR ISSUANCE AS A PATENT. PROSECUTION ON THE MERITS IS CLOSED.

THE ISSUE FEE MUST BE PAID WITHIN THREE MONTHS FROM THE MAILING DATE OF THIS NOTICE OR THIS APPLICATION SHALL BE REGARDED AS ABANDONED. THIS STATUTORY PERIOD CANNOT BE EXTENDED.

HOW TO RESPOND TO THIS NOTICE:

I. Review the SMALL ENTITY status shown above.

If the SMALL ENTITY is shown as YES, verify your current SMALL ENTITY status:

- A. If the status is changed, pay twice the amount of the FEE DUE shown above and notify the Patent and Trademark Office of the change in status, or
- B. If the status is the same, pay the FEE DUE shown above.

If the SMALL ENTITY is shown as NO:

- A. Pay FEE DUE shown above, or
- B. File verified statement of Small Entity Status before, or with, payment of 1/2 the FEE DUE shown above.

II. Part B-Issue Fee Transmittal should be completed and returned to the Patent and Trademark Office (PTO) with your ISSUE FEE. Even if the ISSUE FEE has already been paid by charge to deposit account, Part B Issue Fee Transmittal should be completed and returned. If you are charging the ISSUE FEE to your deposit account, section "4b" of Part B-Issue Fee Transmittal should be completed and an extra copy of the form should be submitted.

III. All communications regarding this application must give application number and batch number. Please direct all communications prior to issuance to Box ISSUE FEE unless advised to the contrary.

IMPORTANT REMINDER: Utility patents issuing on applications filed on or after Dec. 12, 1980 may require payment of maintenance fees. It is patentee's responsibility to ensure timely payment of maintenance fees when due.

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